

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID J. SCOTT,

Plaintiff,

Hon. Richard Alan Enslen

v.

Case No. 1:03-CV-448

DALE FELDPAUSCH, *et al.*,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion For Further Extension of Time. As articulated below, Plaintiff's motion is **denied**.

Plaintiff has appealed to the Sixth Circuit Court of Appeals the Judgment dismissing his claims against Defendant Feldpausch. On July 19, 2005, the Court denied Plaintiff's request to proceed as a pauper on appeal. The Court denied Plaintiff's request because he has, on three or more occasions, filed lawsuits which were subsequently determined to be frivolous and/or failed to state a claim. Accordingly, Plaintiff was instructed to pay the \$255 appellate filing fee within 30 days. Plaintiff was warned that failure to timely pay the filing fee "will result in the dismissal of his appeal without prejudice and the assessment of the \$255.00 appellate filing fee." *Id.*

On August 16, 2005, Plaintiff moved the Court for an extension of time within which to pay the appellate filing fee. The Court granted Plaintiff's motion, giving him until September 23, 2005, to pay the filing fee. On September 26, 2005, Plaintiff again moved the Court for an extension of time within which to pay the appellate filing fee. The Court granted Plaintiff's motion, giving him until

November 18, 2005, to pay the appellate filing fee. On November 23, 2005, Plaintiff moved the Court for a further extension of time within which to pay the appellate filing fee. The Court granted Plaintiff's motion, giving him until January 15, 2006, to pay the appellate filing fee. On January 23, 2006, Plaintiff moved the Court for yet another extension of time within which to pay the appellate filing fee. The Court granted Plaintiff's motion, giving him until March 15, 2006, to pay the filing fee. However, Plaintiff was informed that "no further extensions will be allowed." (Dkt. No. 135).

On March 20, 2006, Plaintiff filed the present motion seeking a fifth extension of time within which to pay the appellate filing fee. Plaintiff has been given ample opportunity to secure the funds necessary to pay the appellate filing fee in this matter. The Court discerns no legitimate reason to grant Plaintiff any further extensions of time. Accordingly, Plaintiff's motion for further extension of time (Dkt. No. 136) is **denied**. Notice of this Order will be given by the Clerk of the Court to the Clerk for the Sixth Circuit Court of Appeals for the purpose of effecting the timely dismissal of the appeal. The dismissal of the appeal will not relieve Plaintiff of the obligation to pay the \$255 appellate filing fee.

DATED in Kalamazoo, MI:
April 17, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE